



U.S. Department
of Transportation

**Maritime
Administration**

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MARAD INFORMATION
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400 Seventh Street, S.W.
Washington, D.C. 20590

2004 JAN -2 12 12:30

DEC 31 2003

Mr. Malcolm F. Swall
P.O. Box 6994
San Diego, CA 92166

Waiver - Docket No. MARAD-2003-16511 - 3
Vessel: KIWI

Dear Mr. Swall:

You requested a waiver of the U.S.-build requirement of the Coastwise Trade Laws for the Vessel as authorized by Pub. L. 105-383, Title V, "Administrative Process for Jones Act Waivers." The Maritime Administration (MARAD) published your proposal in the Federal Register for a 30-day period of public comment. After due consideration of the documents in the Docket and as may be seen at <http://dms.dot.gov>, MARAD hereby approves your request and grants the waiver, subject to the terms set out below.

No public comment opposing grant of your requested waiver was received. Neither does MARAD have information from any other source suggesting that the requested waiver not be granted on grounds of undue market impact on vessel operators or vessel builders.

MARAD makes the following findings. The Vessel is an eligible vessel under Pub. L. 105-383. The employment of the Vessel that you propose will not adversely affect United States vessel builders or the coastwise trade business of any person who employs vessels built in the United States in that business.

Therefore, your requested waiver is granted, as follows:

Vessel: KIWI

Effective Date: JAN 7 2004

Official Number: 1027637

Geographic Limits: California

Conditions: Commercial use is limited to the carriage of not more than 12 passengers for hire within the above geographic limits. No fish caught from this Vessel are to be sold commercially.



The effective date of the waiver is on the 6th business day after approval if no petition for review of the decision is received. MARAD has the right to revoke the waiver if it has been determined that there was fraud at the time of application. If substantial change in the use of the Vessel is contemplated, or if a different geographic area of operation is considered, you must give MARAD prior notice. We can be reached by mail at: Maritime Administration, Office of Ports and Domestic Shipping, Room 7201, 400 Seventh St., SW, Washington, DC 20590. The contact for MARAD is Michael Hokana, 202-366-0760.

Additional requirements are necessary to obtain a Coastwise Endorsement and to operate the Vessel commercially. Information on using this waiver to obtain such an endorsement can be obtained from the U.S. Coast Guard National Vessel Documentation Center (NVDC), 792 T.J. Jackson Drive, Falling Waters, WV 25914. The NVDC can be reached by telephone on 1-800-799-8362. In addition, you should contact the U.S. Coast Guard, Marine Safety Office, for the zone in which the Vessel will be operated, for information on licensing of vessel personnel and vessel inspections.

Questions concerning this waiver may be presented to MARAD's Office of Ports and Domestic Shipping at any time.

Sincerely,



Raymond R. Barberesi
Director, Office of
Ports and Domestic Shipping

IMPORTANT

**This is not a title. This is an official attachment to the
Vessel's Certificate of Documentation (CG-1270)**